

REMARKS

The Decision on Appeal dated December 21, 2004 has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claim 15 has been cancelled without prejudice or disclaimer. No new matter has been added. Accordingly, claims 13-14 and 16-35 are pending in this application and are submitted for consideration. Claims 16-35 are allowed.

The Board rejected claims 13 and 14 based on grounds that, under 35 U.S.C. § 112, first paragraph, the claims allegedly contain subject matter which is not enabled by the present specification. In particular, the Board asserted that the present disclosure fails to teach how the "rate of increase" is being measured, nor the "unit time" that would be indicated for the measurement. Further, the Board asserted that "there is no guidance to the artisan as how the number of radio channels to be assigned may be determined by measuring a "rate of increase" of stored data to be transmitted "per unit time."

Applicants respectfully traverse the rejection and submit that the rejection is improper. With respect to how the rate of increase is to be measured, Applicants submit that the skilled artisan would readily understand that communication data could be measured a number of conventional ways. At page 8 of the present specification,

radio terminals are described as being composed of "a buffer 11 for storing data to be sent; and amount-of-data monitor 12 for detecting the amount of data stored in the buffer 11, for example, in terms of software under program control." Also, the individual base stations are described as being made up of a "receiver 21; a demodulator 22; a buffer 23 for storing received data; and amount-of-data monitor 24 for detecting the amount of data stored in the buffer 23; for example, in terms of software under program control." One skilled in the art would readily understand that data to be transmitted (communication data) is first stored in buffer 11 and that an appropriate software program could be included to determine the amount of data in the buffer, which could be measured conventionally in bits or bytes, or any appropriate unit of measure for electronic data over a standard time frame such as a millisecond or second. Thus, Applicants submit that to understand this would not require "undo experimentation."

In support of the above, Applicants submit herewith new evidence in the form of a reference: "High Time-Resolution Measurement and Analysis of LAN Traffic: Implication for LAN Interconnection" Will E. Leland and Daniel V. Wilson, In Proc. Of IEEE INFOCOM'91, 1991, Pages 1360-1366. This reference relates to TCP/IP packet fro LAN interconnection. Please see figure 3.1.1, which shows "packets per second" in a vertical axis. This reference shows that, at the time of the present invention, the skilled artisan understood how to measure communication data using a number of conventional ways.

The Board also stated that "there's no guidance to the artisan as to how the number of radio channels to be assigned may be determined by measuring a "rate of increase" of stored data to be transmitted "per unit time."" See Decision at page 6. However, the present specification states that, for example, "if the amount of communication data exceeds the channel capacity of the channel M+1 the radio terminal A(5) requests the individual base station 1A to use, for example, channels M and M+2 adjacent the channel M+1 as shown in Fig. 3(b)." See present specification at page 9. In view of this, Applicants submit that the skilled artisan would readily understand that the assignment of channels can be based upon the channel capacity of each radio channel of the communication linkage. Based on this, the skilled artisan will readily understand how to increase or decrease the number of radio channels based on a measurement of the data in the buffer (data to be transmitted). Therefore, Applicants submit that the rejection claims 13 and 14 is improper and that the specification clearly provides enabling support for the features of claims 13 and 14.

Thus, in view of the foregoing, Applicants submit that claims 13-14 comply with the requirements of 35 U.S.C. § 112 and that the rejection of claims 13-14 is improper. Accordingly, Applicants request that the rejection of claims 13-14 be withdrawn and claims 13-14 be allowed.

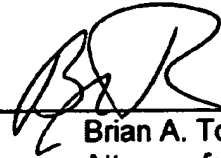
Applicants submit that this Application is now in condition for allowance and

respectfully requests that claims 13-14 and 16-35 be allowed and this Application passed to issue.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. The Office is authorized to charge any fees for such an extension together with any additional fees that may be due, to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By



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Enclosure "High Time-Resolution Measurement and Analysis of LAN Traffic:
Implication for LAN Interconnection" Will E. Leland and Daniel V. Wilson,
In Proc. Of IEEE INFODCOM'91, 1991, Pages 1360-1366.